

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

HIGHMARK, INC.

§

VS.

§

ALLCARE HEALTH MANAGEMENT
SYSTEMS, INC.

§
§
§

CIVIL NO. 4:03-CV-1384-Y

AMENDED FINAL JUDGMENT

On October 14, 2008, the Court entered a final judgment in this case, assessing costs under 28 U.S.C. § 1920 against the party incurring them. This was in error as it failed to take into account the fact that, on September 2, 2008, this Court partially granted summary judgment in favor of Plaintiff. See FED. R. CIV. P. 54 (providing for the recovery of costs by the "prevailing party"); see also *Fogleman v. ARAMCO*, 920 F.2d 278, 285 (5th Cir. 1991) ("[A] party need not prevail on every issue in order to be entitled to costs."). Therefore, the Court hereby amends its previous entry of final judgment to tax costs under 28 U.S.C. § 1920 against defendant Allcare Health Management Systems, Inc.

SIGNED October 15, 2008.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE